



Consultation on proposed Welsh Language (Wales) Measure

16 March 2010

Dear Sir / Madam

1. The National Assembly for Wales' Legislation Committee No.2 is calling for evidence on the general principles of the proposed Welsh Language (Wales) Measure, which was introduced by the Welsh Government on 4 March 2010.

What is a Measure?

2. A Measure is a piece of law made by the National Assembly, which has a similar effect to an Act of Parliament. The National Assembly is able to pass Measures on any 'matter' listed in Schedule 5 to the Government of Wales Act 2006. The proposed Welsh Language (Wales) Measure uses matter 20 relating to the Welsh Language

3. While a Measure is in progress through the National Assembly, it is known as a 'proposed Measure'.

4. There is a four stage process for the consideration of a proposed Measure. Stage 1 involves consideration of the general principles of the proposed Measure by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), a debate in a Plenary session of the National Assembly on these principles followed by a vote on whether to agree them.

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What does the proposed Measure do?

5. The key provisions of the proposed Measure are to:
 - i) make further provision with regard to the official status of the Welsh language in Wales;
 - ii) establish the office of the Welsh Language Commissioner with functions and powers to promote and facilitate the use of Welsh, and promote equality between the English and Welsh languages;
 - iii) establish an Advisory Panel to the Commissioner, appointed by the Welsh Ministers, who will have a strategic role in advising the Commissioner with regard to wider policy issues;
 - iv) abolish the Welsh Language Board (as a consequence of the establishment of the office of the Welsh Language Commissioner);
 - v) make provision about standards (to eventually replace schemes) relating to the Welsh language, which may include service delivery standards, policy making standards, operational standards, promotion standards and record keeping standards. The preparation, imposition and enforcement of which are to be, in the main, carried out by the Commissioner;
 - vi) make provision about investigating alleged interferences with the freedom to use Welsh; and
 - vii) establish a Welsh Language Tribunal— to be comprised of a President, lay and legal members—as an appeal mechanism to the imposition or enforcement of standards by the Commissioner.

What is the committee's role?

6. The role of Legislation Committee No. 2 at Stage 1 is to consider and report on the general principles of the proposed Measure. In doing so, the Committee has agreed to work within the following framework:

To consider:

- i) the need for a proposed Measure to deliver the Welsh Government's stated aims, as set out in paragraph 3.10 of the Explanatory Memorandum, namely:
 - to provide greater clarity and consistency for Welsh speakers in terms of the services they can expect to receive in Welsh;
 - to reduce the administrative demands placed upon those subject to duties by moving the focus away from the preparation of schemes;
 - to establish a system that will ensure that duties imposed on bodies are both reasonable and proportionate;
 - within particular sectors, ensuring that there is consistency in terms of those bodies subject to duties with the aim of ensuring a level playing field;
 - to develop the responsibility of the Welsh Assembly Government and local authorities in Wales with regard to promoting the use of Welsh more widely;
 - to develop a more effective enforcement regime in relation to any duties that will be imposed;
 - to provide a strong and independent voice for the Welsh language through the establishment of the Commissioner as an identifiable champion and advocate for the language;
 - to make further provision with regard to the status of the Welsh language; and
 - to make provisions with regard to investigating and reporting on those instances of interference with people's freedom to use Welsh with one another.

- ii) whether the proposed Measure achieves its stated objectives;
- iii) the key provisions set out in the proposed Measure and whether they are appropriate to deliver its objectives;
- iv) potential barriers to the implementation of the key provisions and whether the proposed Measure takes account of them;
- v) the views of stakeholders who will have to work with the new arrangements.

How you can help – the consultation questions

7. Further details of the proposed Measure and the accompanying Explanatory Memorandum can be found on the National Assembly's website at: <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislation-measures-wl.htm>

8. In addition, the Minister for Heritage, Alun Ffred Jones AM will be giving evidence to the committee on 17 March and the transcript from that session may be useful in explaining the provisions of the proposed Measure further. It will be available later in March from the committee's website at: <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislation-measures-wl.htm>

9. The Committee would like to invite you to submit written evidence to assist in its Stage 1 scrutiny of the proposed Measure. In particular, we would welcome your views on the questions listed in the attached Annex.

10. If you wish to submit evidence, please send an electronic copy of your submission to legislationoffice@wales.gsi.gov.uk and entitle the e-mail **Consultation – Proposed Welsh Language Measure**.

11. Alternatively, you can write to:
Owain Roberts, Deputy Committee Clerk, Legislation Office, National Assembly for Wales, Cardiff Bay, CF99 1NA.

12. Submissions should arrive by 11 May 2010. It may not be possible to take into account responses received after this date.

13. Further information on the legislative process can be found at: <http://www.assemblywales.org/bus-home/bus-legislation/bus-legislation-guidance/bus-legislation-guidance-measures.htm>

14. When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings;
- **If you do not want your response or name published, it is important that you clearly specify this in your submission.** However you should be aware that it may not be given the same weight by the Committee when considering the evidence. You should also be aware that the information you have provided in your response to this consultation, including company information, may be published or disclosed in accordance with the Freedom of Information Act 2000. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances;
- please indicate whether you are responding on behalf of an organisation, or as an individual; and
- please indicate whether or not you would be prepared to give oral evidence to the Committee.

15. The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation during the summer term.

16. If you have any queries, please contact Gareth Williams, Committee Clerk on 029 20898008 or Owain Roberts, Deputy Clerk on 029 20898101.

Yours faithfully

A handwritten signature in black ink that reads "Val Lloyd". The signature is written in a cursive style with a large initial 'V' and 'L'.

Val Lloyd AM
Committee Chair

Consultation Questions

1. Is there a need for a proposed Measure to deliver the stated objectives of (as set out in paragraph 3.10 of the Explanatory Memorandum):
 - providing greater clarity and consistency for Welsh speakers in terms of the services they can expect to receive in Welsh;
 - reducing the administrative demands placed upon those subject to duties by moving the focus away from the preparation of schemes;
 - establishing a system that will ensure that duties imposed on bodies are both reasonable and proportionate;
 - within particular sectors, ensuring that there is consistency in terms of those bodies subject to duties with the aim of ensuring a level playing field;
 - developing the responsibility of the Welsh Assembly Government and local authorities in Wales with regard to promoting the use of Welsh more widely;
 - developing a more effective enforcement regime in relation to any duties that will be imposed;
 - providing a strong and independent voice for the Welsh language through the establishment of the Commissioner as an identifiable champion and advocate for the language;
 - making further provision with regard to the status of the Welsh language; and
 - making provision with regard to investigating and reporting on those instances of interference with people's freedom to use Welsh with one another.
2. Is it easy to understand the practical implications of the proposed Measure for your organisation? Please explain the reasons for your answer.
3. Subject to any answer given in relation to question 2, how will the proposed Measure change what your organisation does currently and what impact will any such changes have?

4. Are the sections of the proposed Measure appropriate in terms of achieving the stated objectives?

In considering this question, consultees *may* wish to consider the nature of the provisions in the proposed Measure that:

- a) make further provision about the official status of the Welsh language (section 1).
 - b) establish the office of the Welsh Language Commissioner and his / her functions (sections 2-21).
 - c) establish the Advisory Panel to the Welsh Language Commissioner (sections 22-23).
 - d) establish a new system for placing Welsh language duties on persons in the form of standards (sections 24-69).
 - e) establish a procedure for the Commissioner to investigate a failure to comply with standards (sections 70-99).
 - f) make provision about the freedom to use Welsh (sections 100-108).
 - g) establish a Welsh Language Tribunal (sections 109-124).
 - h) relate to the integrity of the Commissioner and Deputy Commissioner (sections 125 -133)
 - i) abolish the Welsh Language Board, transfer functions to the Commissioner and replace Welsh Language Schemes with the application of standards (sections 134 - 138).
 - j) make the supplementary provisions (sections 139 - 146)
5. What are the potential barriers to implementing the provisions of the proposed Measure (if any) and does the proposed Measure take account of them?
 6. What are the financial implications of the proposed Measure for your organisation, if any? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the proposed Measure.
 7. Are there any other comments you wish to make about specific sections of the proposed Measure?